

Service Date: December 30, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE COMPLAINT OF)	
George L. Walden, Kenneth L.)	
Williams, Joyce Stancliffe,)	
Ernest R. Asay and Michael T.)	
Bailey,)	UTILITY DIVISION
)	
Complainants,)	
)	
-vs-)	
)	DOCKET NO. 91.1.2
US West Communications and)	
American Telephone and Telegraph,)	
)	ORDER NO. 5551B
Defendants.)	
IN THE MATTER of the Public Service)	
Commission Investigation of the)	
Telecommunications Service in the)	
Superior and St. Regis Exchanges.)	

FINAL ORDER

APPEARANCES

FOR THE COMPLAINANTS:

Mary Wright, Staff Attorney, Montana Consumer Counsel, 34 West Sixth
Avenue, Helena, Montana 59620

FOR THE DEFENDANTS:

Dennis R. Lopach, U.S. West Communications, P.O. Box 1716, Helena,
Montana 59624

Larry Barnes, AT&T Communications, 1 North Last Chance Gulch, Helena,
Montana 59601

FOR THE COMMISSION:

Ivan C. Evilsizer, Staff Attorney, 1701 Prospect Avenue, Helena, Montana 59620

BEFORE:

HOWARD L. ELLIS, Chairman
BOB ANDERSON, Commissioner
WALLACE W. "WALLY" MERCER, Commissioner

FINDINGS

On January 16, 1991 George L. Walden, Kenneth L. Williams, Joyce Stancliffe, Ernest R. Asay and Michael T. Bailey (Complainants), filed a Complaint with the Montana Public Service Commission (Commission) against U.S. West Communications (USWC) and AT&T Communications (AT&T) regarding alleged inadequate service in the Superior and St. Regis exchanges. Two Petitions were also filed, signed by a total of 65 individuals.

On March 1, 1991 the Commission issued a Notice of Complaint and Investigation. USWC filed an Answer on March 22, 1991. AT&T filed an Answer and Motion to Dismiss on April 8, 1991.

A duly noticed public hearing was held on June 5, 1991 at the 4-H Building in Superior, Montana. AT&T's Motion to Dismiss was granted by the Commission at the hearing.

On August 22, 1991 USWC and the Montana Consumer Counsel (MCC), on behalf of the Complainants, filed a Stipulation for dismissal of the Complaints, with prejudice, based upon consideration to the Complainants.

CONCLUSIONS OF LAW

USWC is a public utility offering regulated telecommunications service in Montana. § 69-3-101, MCA. The Commission has the authority to supervise, regulate and control public utilities. § 69-3-102, MCA.

The Commission has the authority to proceed and make such investigation deemed appropriate upon a complaint made against any public utility. §69-3-321, MCA.

The PSC has provided adequate public notice and opportunity to be heard herein. Montana Administrative Procedure Act.

The Commission has determined that it is appropriate to dismiss AT&T from this case based upon the evidence at the hearing.

ORDER

IT IS HEREBY ORDERED, based upon the dismissal of AT&T and the Stipulation reached between the remaining parties, that the Complaints herein are dismissed with prejudice and the Commission investigation closed.

Done and Dated this 16th day of December, 1991 by a vote of 3 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

BOB ANDERSON, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.